

§ 801.103

§ 801.103 Computation of time.

In computing a period of time prescribed by this part, the day of the action or event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday in the State involved, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

§ 801.104 Words denoting number and gender.

In this part:

(a) Words importing the singular include and apply to several persons, parties, or things;

(b) Words importing the plural include the singular; and

(c) Words importing the masculine gender include the feminine as well.

Subpart B—Listing on Eligibility List

§ 801.201 Scope.

This subpart prescribes the times, places, and procedures for listing on an eligibility list under the Act.

§ 801.202 Times and places for filing and forms of application.

(a) The times and places designated by the OPM for filing an application in each political subdivision, and the forms of application prescribed by the OPM, shall be set out in appendix A to this part and incorporated in and made a part of this section.

(b) The OPM shall give notice to the general public of the times and places designated under paragraph (a) of this section, to appropriate local election officials in the political subdivision, and to the attorney general of the State, by publication thereof in the FEDERAL REGISTER and by such other means as it considers appropriate.

§ 801.203 Procedures for filing application.

(a) An applicant may obtain an application at the place and during the times set out in appendix A for the appropriate political subdivision. An application may be completed only at the place where it was obtained and shall

45 CFR Ch. VIII (10–1–03 Edition)

be submitted by the applicant in person to an examiner at that place.

(b) An examiner shall review the application in the presence of the applicant to insure that all questions are answered clearly and completely. If all questions are not answered clearly and completely or if an applicant is not able personally to complete the application in whole or in part because of lack of literacy or otherwise, or has difficulty in doing so, an examiner shall orally examine the applicant and record the pertinent information on the application or otherwise assist the applicant in completing the application.

(c) After an application is completed, an examiner shall require the applicant to take the oath or affirmation prescribed on the application and to sign his name or make his mark thereon.

§ 801.204 Qualifications requirements.

The qualifications required for listing, prescribed by the OPM after consultation with the Attorney General, for use by an examiner in examining an applicant for listing on an eligibility list shall be set out in appendix B to this part and incorporated in and made a part of this section.

§ 801.205 Action on the application.

At the time of filing the application and in the presence of the applicant, the examiner shall review the application and make such examination as is necessary to determine whether the applicant has the prescribed qualifications. If the applicant has the prescribed qualifications, the examiner shall give him a certificate, on the form prescribed by the OPM, evidencing his eligibility to vote and enter his name on an eligibility list, the form for which is prescribed by the OPM. If the applicant does not have the prescribed qualifications, the examiner shall give him a notice of ineligibility for listing, on the form prescribed by the OPM.

§ 801.206 Review of notice of ineligibility for listing.

An applicant may obtain a review of a notice of ineligibility for listing by executing the request for review contained on that notice and returning it to the examiner or by filing a written

request, either personally or through a representative, with the Examiner (State Supervisor), U.S. Office of Personnel Management, in the State involved at the address set out in appendix C to this part and incorporated in and made a part of this section. The request shall be submitted within 10 days from the date of the notice of ineligibility for listing. The request shall set forth the applicant's reason for contesting the notice of ineligibility for listing. The Examiner (State Supervisor) shall notify the applicant or his representative and the examiner concerned of his decision. When the Examiner (State Supervisor) finds the applicant has the prescribed qualifications, he shall direct the examiner concerned to give the applicant a certificate evidencing his eligibility to vote and to enter his name on the eligibility list. There is no administrative appeal from the decision of an Examiner (State Supervisor).

§ 801.207 Certification and publication of eligibility lists.

An examiner shall certify and transmit an eligibility list at least once a month to the office of the appropriate election official, with a copy to the Attorney General and the attorney general of the State. The list shall contain the name of each eligible voter listed since the last list was certified and transmitted. The list shall be made available for public inspection beginning on the last business day of the month and in any event not later than the 45th day before an election, during normal business hours, for one period of 10 consecutive days, at the place where the persons listed filed their applications as set out in appendix A to this part, except that the list may be made available for public inspection in the same political subdivision at a place other than the place where the persons listed filed their applications when advance notice of this change is posted at the place where the persons listed filed their applications.

[30 FR 12392, Sept. 29, 1965]

Subpart C—Challenges to Listing on Eligibility List

§ 801.301 Scope.

This subpart prescribes the procedure that governs a challenge to a listing on an eligibility list under the Act.

§ 801.302 Basis of challenge.

A challenge to a listing on an eligibility list may be made only on the basis of fraud or that the challenged person does not have the prescribed qualifications.

§ 801.303 Time and place of challenge.

A challenge shall be filed within 10 days after the listing of the challenged person is made available for public inspection as provided in § 801.207 by delivering or mailing the challenge to the Examiner (State Supervisor), U.S. Office of Personnel Management, in the State involved at the address set out in appendix C to this part.

§ 801.304 Form of challenge.

(a) A challenge shall be under oath and shall contain:

(1) The name and address of the OPM office to which it is submitted;

(2) The date of submission;

(3) The name and address of the challenger;

(4) The name and address of his representative, if any;

(5) The name and address of the challenged person and his certificate number as they appear on the eligibility list;

(6) A written statement setting forth in plain and concise language the facts constituting the grounds for challenging the listing of the challenged person on the eligibility list;

(7) Affidavits of at least two persons (one of whom may be the challenger) with their addresses, stating that they have personal knowledge of the facts that constitute the grounds for challenge and setting forth those facts in plain and concise language. Each affidavit shall be sworn to before a person authorized to administer oaths; and

(8) A certification that service of the challenge on the challenged person has